

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JORGE HERNANDEZ,

Plaintiff,

v.

KLOMP, et al.,

Defendants.

Case No.: 3:24-cv-00411-MMD-CLB

ORDER

On September 13, 2024, pro se plaintiff Jorge Hernandez, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a complaint under 42 U.S.C. § 1983. (ECF No. 1-1). But Plaintiff has neither paid the full \$405 filing fee for this matter nor filed an application to proceed *in forma pauperis*. (See ECF No. 1). Moreover according to the NDOC inmate database, Plaintiff is no longer at the address listed with the Court. But Plaintiff has not filed his updated address with the Court in compliance with this Court’s local rules. See Nev. LR IA 3-1.

This Court must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month**

1 **period.** See 28 U.S.C. § 1915(a)(1)–(2); Nev. LSR 1-2. *In forma pauperis* status does not
2 relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate
3 can pay the fee in installments. See 28 U.S.C. § 1915(b).

4 It is therefore ordered that Plaintiff has **until November 29, 2024**, to either pay the
5 full \$405 filing fee or file a fully complete application to proceed *in forma pauperis* with all
6 three required documents: (1) a completed application with the inmate's two signatures
7 on page 3, (2) a completed financial certificate that is signed both by the inmate and the
8 prison or jail official, and (3) a copy of the inmate's trust fund account statement for the
9 previous six-month period.

10 It is further ordered that Plaintiff has **until November 29, 2024**, to file his updated
11 address with the Court.

12 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
13 he fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to
14 refile the case with the Court, under a new case number, when he can file a complete
15 application to proceed *in forma pauperis* or pay the required filing fee.

16 The Clerk of the Court is directed to send Plaintiff Jorge Hernandez the approved
17 form application to proceed *in forma pauperis* for an inmate and instructions for the same,
18 and to retain the complaint (ECF No. 1-1) but not file it at this time.

19 The Clerk of the Court is further directed to send Plaintiff Jorge Hernandez a
20 courtesy copy of this order and its attachments by sending the same to Wells
21 Conservation Camp, HC 67-50, Wells, Nevada 89835.

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23 DATED THIS 30TH DAY of SEPTEMBER 2024.

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25 _____
26 UNITED STATES MAGISTRATE JUDGE
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